SUPREME COURT, U. S.

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IN THE

SUPREME COURT OF THE UNITED STATES

No. 625

October Term, 1969

REUBEN CARLTON, H. C. WILLIAMSON, and WILLIAM HAIR,

Appellants,

vs.

DOYLE CONNER, as Commissioner of Agriculture, State of Florida,

Appellee.

On Appeal From the Supreme Court of the State of Florida

STATEMENT OF APPELLEE OPPOSING JURISDICTION AND MOTION TO DISMISS AND/OR AFFIRM

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MOTION TO DISMISS AND/OR AFFIRM

The appellee in the above styled cause moves to dismiss and/or affirm on the grounds that the appellants have failed to comply with Rule 15 of the Rules of the Supreme Court of the United States in preparing their Jurisdictional Statement

and that the questions presented on appeal are so unsubstantial as not to need further argument.

STATEMENT OF FACTS

The appellee is authorized by the provisions of Chapter 585, Florida Statutes, to establish, maintain, and enforce quarantine areas within the State of Florida, and restrict, regulate and prohibit the movement of domestic animals found to be infected with or carriers of any contagious, infectious or communicable disease, including brucellosis. The appellee is also authorized to promulgate and enforce rules and regulations relative to the introduction of such domestic animals into or within the State of Florida. Chapter 585, Florida Statutes, also provides that whenever any dangerous or transmissible disease, including brucellosis, exists anywhere within the State of Florida, the appellee's employees may examine, test, treat, or destroy any infected, exposed, suspected or suspicious animals and may quarantine any premises, areas or localities in connection with such disease control and eradication program.

Pursuant to such lawful authority, the appellee had promulgated rules to control and eradicate brucellosis in Florida in cooperation with the United States Department of Agriculture. The regulations promulgated by the appellee are similar to those used in other states throughout the United States of America. These regulations provide, inter alia, that certain classes of cattle are subject to be tested for brucellosis and the owner or custodian of such cattle is requested to present his cattle for testing as directed.

In an effort to have a systematized brucellosis control program, the appellee adopted and followed a county petition

procedure whereby counties desiring to participate in the brucellosis control program could make known their wishes to the appellee. Upon receipt of a petition that complied with the rules and regulations of the appellee and the United States Department of Agriculture from any county desiring to participate in the brucellosis control program, the appellee might then begin a compulsory brucellosis control program within said county.

In accordance with the foregoing, a brucellosis control program was started in Martin County, Florida, on or about March 1, 1966. Prior to any legal action being instituted in this cause, all known cattle owners in Martin County, Florida, had presented their herds for testing with the exception of the appellants, save and except the appellant, William Hair (Suit No. 718), who had presented his cattle for the initial test but refused to have such cattle retested when diseased animals were found in his herd.

During the testing program in Martin County, Florida, approximately one thousand two hundred and two (1202) cattle were diagnosed as being infected with brucellosis. Cattle on ranches and lands contiguous to the ranches and lands of the appellants were among those diagnosed as having brucellosis of the strain known as *Brucella Abortus* found in cattle and is transmissible to man under the common name of undulant fever. Since *Brucella Abortus* is a highly contagious disease among cattle and is capable of being transmitted in many phases among cattle and to man the foregoing facts constituted more than a reasonable basis for the appellee to suspect that there might be cattle infected with brucellosis among the appellants' herds. Numerous attempts were made to persuade the appellants to test their cattle without court action until finally official notice was given to the appellants directing them to present

cattle to the appellee for testing. This the appellants sed to do.

s a result of the foregoing, the appellee filed a suit for datory injunction against the appellant, Reuben Carlton, esting the Circuit Court in and for Martin County, Florida, nter a mandatory injunction requiring the appellant, Reuben lton, to present his cattle for testing; and as a result of this, nter claims were filed by the appellant, Reuben Carlton, independent suits by the other appellants for declaratory ee which resulted in a consolidation of all the suits, and f which essentially sought to test the validity of the cattle ellosis disease eradication program and certain sections of pter 585, Florida Statutes.

earings were held on the consolidated suits, and after minous evidence was taken, the Circuit Court in and for tin County, Florida, by its Order dated September 10, 1968, d that no threatening or existing epidemic or emergency lition existed sufficient to involuntarily send non-infected nfected animals, which were still useful and productive, which have a value other than a carcass value or for ghter, to slaughter, prior to a judicial determination of the e of such animals. The Circuit Court in and for Martin nty, Florida, then held Sections 585.09 and 585.10, Florida ates, and Section 7C-6.02 (2) (d), Florida Administrative e, rules of the Florida Department of Agriculture, to be nstitutional. In holding the foregoing sections of law and to be invalid and unconstitutional, the trial court relied n the cases of *Corneal v. State Plant Board* (Fla 1957) 95 2d 1, and *State Plant Board v. Smith* (Fla 1959) 110 So 401.

s a result of the foregoing ruling the appellee herein aled the lower Court's decision to the Supreme Court of

Florida, which by its opinion dated May 14, 1969, and its denial of petition for rehearing, dated June 27, 1969, reversed the Circuit Court in and for Martin County by finding Sections 585.09 and 585.10, Florida Statutes, and Section 7C-6.02 (2) (d), Florida Administrative Code, rules of the Florida Department of Agriculture, to be constitutional and valid enactments.

The appeal to this Court is directed to the decision of the Supreme Court of Florida in the case of *Doyle Conner, as Commissioner of Agriculture of the State of Florida v. Reuben Carlton, et al* (Fla 1969) 223 So 2d 324.

This statement of the appellee is submitted to show that the appellants in this cause have failed to comply with Rule 15 of the Rules of the Supreme Court of the United States and that the questions attempted to be presented herein by the appellants are so unsubstantial as not to need further arguments.

OPINIONS BELOW

Final Decree of the Circuit Court, Nineteenth Judicial Circuit, in and for Martin County, Florida, dated September 10, 1968, and Opinion of the Supreme Court of Florida in the case of *Doyle Conner, as Commissioner of Agriculture of the State of Florida v. Reuben Carlton, et al,* 223 So 2d 324, Case No. 37,932, dated May 14, 1969, which are printed herein as Appendix "A", in appellants' jurisdictional statement.

STATUTES INVOLVED

Sections 585.09 and 585.10 Florida Statutes, and Section 7C-6.02 (2) (d), Florida Administrative Code, rules of the Florida Department of Agriculture.

In order for Section 585.09 and 585.10, Florida Statutes, to be understood they must be read in connection with other related provisions of Chapter 585, Florida Statutes, which are as follows: Sections 585.08, 585.11, 585.15 and 585.35, Florida Statutes.

All of the foregoing cited sections of the Florida Statutes and Florida Administrative Code are printed herein as Appendix "A".

ARGUMENT

I

THE APPELLANTS HAVE FAILED TO COMPLY WITH RULE 15 OF THIS COURT IN PREPARING THEIR JURISDICTIONAL STATEMENT

The appellee submits that the appellants have substantially failed to follow the provisions of Rule 15 of this Court in that: (1) They have not squarely presented the questions presented by the appeal, and the questions presented are largely repetitious. (2) They have not made a concise statement of the case containing the facts material to the questions of the case presented. (3) They have not included a presentation of the ground on which it is contended that the Federal questions are substantial which shall show that the nature of the case and of the rulings of the Court was such to bring the jurisdictional provisions relied on and the cases cited to sustain the jurisdiction.

In short, the appellants merely state argumentative factual conclusions throughout the body of their so-called jurisdictional statement which will not be supported by the record in many

instances. These argumentative factual conclusions are completely devoid of any case citations to support the appellants' factual contentions.

The appellee regrets that he is called upon to invite the Court's attention to the misleading nature of the appellants' jurisdictional statement concerning the argumentative factual conclusion of the appellants, but the circumstances and serious nature of this case will not permit more generous conduct on the part of the appellee.

In an effort to support the foregoing statements, the appellee will point out certain factual statements contained in the appellants' jurisdictional statement that are neither supported by fact nor the record in the lower Court in this cause. On page 11 of the appellants' jurisdictional statement they state:

> "Cattle and many other animals are infected with brucellosis and are carriers. Swine, goats, dogs, rats and most warm-blooded animals in the State of Florida are carriers."

It is apparent from the foregoing quotation that the appellants are attempting to confuse this Court by classifying three forms of brucellosis as one. There are at least three separate brucellosis organisms, only one of which is at issue in this case. Cattle are the natural host of *Brucella Abortus* which is the brucellosis organism which we are herein concerned. *Brucella Abortus* is also referred to as Bang's disease and in humans as undulant fever. The other brucellosis organisms are *Brucella Suis* which is associated with swine, and *Brucella Melitensis* which is associated with goats and sheep. There is no competent evidence or scientific data to the effect that any animal other than the cow has ever transmitted *Brucella Abortus* to another cow or to a human being.

Again, on page 11 of the appellants' jurisdictional statement the following factual conclusion is made by the appellants:

> ". . . after an animal contacts brucellosis it often recovers and has a natural immunity to the disease as indicated by antibodies in the animals."

This statement is not fact and there is nothing in the record that even vaguely resembles support for such a conclusion nor can anything be found in the record except evidence to the effect that this is not true.

Finally, on page 12 of the appellants' jurisdictional statement is the following factual conclusion:

> "Under Florida Statutes, Section 585.09, cattle cannot be condemned without first being appraised for their just value which is to be paid to the cattle owner. This appraisal provision is then rendered meaningless by Florida Statutes, Section 585.10, which limits indemnity to $12.50 per animal."

The appellants throughout their jurisdictional statement referred to the cooperative program between the United States Department of Agriculture and the Florida Department of Agriculture concerning the regulation and control of brucellosis. What the appellants carefully avoid in their conclusions is the fact that the cattle owner is indemnified by the Federal government, in addition to the state's $12.50 contribution, in the sum of $25.00 for a grade cow up to $50.00 for a pure bred cow. In addition, the owner receives the market value of the animal for packing house use, which includes beef, hide and by-product values.

II

THE QUESTIONS PRESENTED ARE UNSUBSTANTIAL

Although the appellants attempt to raise twelve separate questions for the consideration of this Court, many of them are repetitious in nature, and many are attempts to raise non-federal questions. The only question that would involve the jurisdiction of this Court is whether or not there is a denial of due process as is provided by the Fourteenth Amendment of the Constitution of the United States by the provisions of Section 585.09 and 585.10, Florida Statutes, or by Section 7C-6.02 (2) (d), Florida Administrative Code, rules of the Florida Department of Agriculture relating to the brucellosis control and eradication program. This question has been satisfactorily answered in the case of *Yakus v. U. S.* (1944) 321 U.S. 414, 64 S. Ct. 660, 88 L. Ed. 834, often cited in cases involving "due process". In the *Yakus* case, this Court made the following pronouncement:

> "Our decisions leave no doubt that when justified by compelling public interest the legislature may authorize summary action subject to later judicial review of its validity. It may insist on the immediate collection of taxes. Phillips v. Commissioner, 283 U.S. 589, 595–597, 51 S. Ct. 608, 611, 75 L. Ed. 1289, and cases cited. It may take possession of property presumptively abandoned by its owner, prior to determination of its actual abandonment, Anderson Nat. Bank v. Luckett, 321 U.S. 233, 64 S. Ct. 599. For the protection of public health it may order the summary destruction of property without prior notice or hearing. North American Cold Storage Co. v. City of Chicago, 211 U.S. 306, 29 S. Ct. 101, 53 L. Ed. 195, 15

Ann. Cas. 276; Adams v. City of Milwaukee, 228 U.S. 572, 584, 33 S. Ct. 610, 613, 57 L. Ed. 971."

In reversing the Circuit Court ruling in the instant cause, the Supreme Court of Florida, by its Order now on appeal to this Court made the following findings:

"In Campoamor v. State Livestock Sanitary Board (1938), ... Fla. ....., 182 So 277, we said: "Chapter 17273, Acts of 1935, authorizes the State Live Stock Sanitary Board to co-operate with the Federal Bureau of Animal Industry in the control of Bang's disease and to induce the owners of live stock to accept indemnity for animals found to be affected with any communicable disease for which they may have to be slaughtered. Under State regulation, the owner of cattle slaughtered gets from the State $12.50 for each cow and the value of the carcass. Under Federal regulation, if the animal slaughtered is an ordinary grade cow, he gets from the Federal Government $25.00 and if pure bred, he gets $50.

"We cannot bring ourselves to hold that such provisions for compensation does not meet the requirement of due process in a situation like this. The value of an animal infected with Bang's disease is indeed problematical in view of the dire results that may flow from it. It is on this theory that summary destruction of diseased animals has been upheld and who knows that we may not be soon finding that the destruction of such animals may be enforced in the interest of the community." (At 279.)

"In State Plant Board v. Smith, supra, we said: "It is well settled, however, that the concept of due process does not necessarily require the granting of a hearing prior to the

taking of official action in the exercise of the police power. Where a *compelling public interest* justifies the action, the Legislature may authorize summary action subject to later judicial review of the validity thereof. See Yakus v. United States, 1944, 321 U.S. 414, 64 S. Ct. 660, 88 L. Ed. 834, often cited in cases involving 'due process.' Thus, it has long been established that in the exercise of its police power the state may summarily seize or destroy diseased cattle, contaminated food, obscene publications, illicit intoxicants, narcotics, prohibited weapons, gambling devices and paraphernalia, and other property that menaces the public health, safety or morals. The seizure of such goods is justified because the danger exists that the property deemed malefic will be distributed to the public to its injury, or used for an illegal purpose, absent a seizure and pending a proceeding to determine the propriety of the seizure. Cf. Metallic Flowers v. City of New York, 1957, 4 A.D.2d 292, 164 N.Y.S.2d 227."

"The Legislature in the statute referred to has found that brucellosis disease in domestic animals represents a dangerous subject of "compelling public interest" sufficient to justify making an exception to the fundamental rule of due process or just compensation to the extent of any overage in compensation benefits above $12.50 per domestic animal.

"On the merits and contrary to the findings of the trial court, our assessment of the evidence in this case is that the Commissioner was clearly justified in inaugurating the program of brucellosis control in Martin County. We find nothing in the evidence which detracts from the legislative determination that there is a compelling public interest in the summary control and eradication of brucellosis disease in the cattle industry.

"During the testing program in Martin County approximately 1202 cattle were diagnosed as being infected with brucellosis. Cattle on ranches contiguous to the land of Appellees were also diagnosed as having brucellosis. The foregoing facts constituted more than a reasonable basis to suspect there might be animals infected with brucellosis among Appellees' cattle which they refused to present for testing pursuant to direction under the Commissioner's brucellosis program for the control and eradication of the disease in Martin County.

"We can find no support for the trial court's contrary ruling in other jurisdictions: See Pennsylvania Dept. of Agriculture v. Hill (1954), 3 D & C2d 302; Spillman v. Beauhamp (Ky. 1962), 362 SW2d 33; Ruona v. City of Billings (Mont.), 323 P.2d 29; Coelho v. Truckell (Cal. App.1935), 9 Cal.App.2d 47, 48 P.2d 697; Affonso v. Brock (Cal.App.1939), 29 Cal.App.2d 26, 84 P.2d 515; State ex rel. Hale v. Lawson (Ark.), 212 Ark. 233, 205 SW2d 204; State v. Splittgerber (Neb.1930), 119 Neb. 436, 229 NW 332; Loftus v. Department of Agriculture (Iowa 1930), 211 Iowa 566, 232 NW 412, appeal dismissed 1931, 51 S.Ct. 647, 283 U.S. 809, 75 L.Ed. 1427; Straubel v. Peterson (Neb.), 155 Neb. 448, 52 NW2d 307; State v. Schriber (Ore.) 205 P.2d 149. See also: 8 ALR 67; 65 ALR 525; 67 ALR 208; and 70 ALR2d 852, 3 CJS, Animals, Section 55, pgs. 1167–68, and 4 Am.Jur.2d, Animals, Section 35, pgs. 286–87.

"The record indicates that the test and slaughter program for the eradication of brucellosis has been conducted throughout the nation according to rules and laws similar to Florida's.

> "The contention that an epidemic or emergency must always pre-exist before summary proceedings may be employed to eradicate infectious and contagious diseases appears to have no support in decisions throughout the country."

In the appellants' jurisdictional statement, they admit to the existence of the rulings and the law in the foregoing cited cases but state that the questions are substantial and worthy of this Court's consideration because the Federal courts of the United States have yet to pass on the validity of the brucellosis eradication program since none of the cases cited were in the Federal courts wherein the disease of brucellosis was actually involved as one of the factual issues. The appellee submits that *Brucella Abortus* is a contagious disease which is transmissible from cattle to human beings, and it is within the police power of a state to pass statutes and regulations authorizing summary destruction of diseased animals subject to later judicial review of the validity of such action.

CONCLUSION

The appellee respectfully urges this Court that the appellants have failed to comply with Rule 15 of the rules of this Court in preparing their jurisdictional statement, and that the questions presented on appeal are so unsubstantial as not to need further argument, and the appellee's Motion to Dismiss and/or Affirm should be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that pursuant to Rule 33. 3. (b), of the rules of this Court ,a copy of the foregoing STATEMENT OF APPELLEE OPPOSING JURISDICTION AND MOTION TO DISMISS AND/OR AFFIRM has been furnished by U. S. mail to JOHN R. BERANEK AND CHARLES H. DAMSEL, JR., of the firm of Jones, Adams, Paine and Foster, 601 Flagler Drive Court, West Palm Beach, Florida 33402, Attorneys for Appellants, this day of October, 1969.

ROBERT A. CHASTAIN
Attorney for Appellee

APPENDIX

APPENDIX A

CHAPTER 585, FLORIDA STATUTES

585.08 General powers of the department; rules and regulations.—The division of animal industry is authorized through the commissioner to:

(1) Establish, maintain and enforce quarantine areas within the state, or the entire state, and restrict, regulate or prohibit the movement or transportation of domestic animals and all other animals or cattle found, determined or suspected by the commissioner, or the technical committee under its emergency powers, to be carriers of any contagious, infectious or communicable disease or cattle fever ticks, into, from and within such areas, when necessary for tick eradication, or for the carrying out of any of the purposes of this chapter, and for the prevention or the control of the spread or dissemination of cattle fever ticks or any contagious, infectious, or communicable disease among domestic animals and cattle.

(2) Prescribe quarantine areas, their locations and boundaries, for the purpose of eradicating the cattle fever tick (Margaropus Annulatus) and controlling and preventing the propagation and spread of the same, and to restrict, regulate and prohibit the movement or transportation of domestic animals or cattle into, within, or out of such quarantine areas, when deemed necessary for the prevention or the control of the spread or dissemination of the cattle fever tick (Margaropus Annulatus).

(3) Make, promulgate, amend, repeal and enforce rules and regulations:

(a) For the carrying out of the provisions, purposes and requirements of this chapter;

(b) Governing the introduction of domestic animals into or within the state, which rules and regulations, when deemed necessary by the commissioner, or the technical committee under its emergency powers, may require that all domestic animals moved into the state be covered by an official health certificate and requisite test chart approved by the livestock sanitary officer of the state or county of origin;

(c) Governing the disposal or destruction of carcasses of domestic and other animals, which are condemned or die from or while afflicted with any contagious, infectious, or communicable disease, in such manner as to prevent the spread or continuance of such contagion or infection;

(4) Condemn and destroy any domestic animals, or other animals affected with any contagious, infectious, or communicable disease, or which have been exposed to or are suspected of being liable to spread any contagious, infectious, or communicable disease.

(5) Condemn and destroy any barn, yard, shed, corral, or pen which, in the opinion of the commissioner, or the technical committee under its emergency powers, is liable to convey the said infection or contagion.

585.09 Procedure for condemnation of domestic animals and property by department.—Condemnation and destruction of domestic animals, barns, yards, sheds, corrals and pens, as provided in §585.08 shall take place only after a fair appraisal of the value of the property, which value shall be determined by the commissioner and the owner; provided, however, should

the commissioner and the owner be unable to agree on such value, the value shall then by determined by three disinterested appraisers, one to be appointed by the commissioner, one by the owner of the property, and the third to be selected by these two. The appraised price, subject to the provisions of §585.10, shall be paid by the department as other expenses are paid. If the owners or person in charge of such domestic animal, barn, yard, shed, corral, or pen fails or refuses to name his or her appraiser within five days after requested by the commissioner to do so, or refuses to permit the same to be condemned and destroyed, the commissioner may make an order to the sheriff of the county wherein the property lies, directing him to destroy such domestic animal, barn, yard, shed, corral or pen, in the manner to be prescribed by such order, which order shall be executed by said sheriff forthwith. Upon the destruction of the said property by the said sheriff, the department shall have the right to recover from the owner of the property destroyed, all costs and expenses incurred by it in connection therewith.

585.10 Condemned and destroyed animals; limitation on payment to owner.—The department may indemnify and reimburse the owners of all animals condemned and destroyed by order of the commissioner in cases where such animals have reacted to the tuberculin test or the agglutination blood test for brucellosis (Bang's disease); provided, however, that such indemnity or reimbursement shall not exceed the sum of twelve dollars and fifty cents for any one animal.

585.11 Cooperation with United States authorities.—The department may cooperate with:

(1) The authorities of the United States in the enforcement of all acts of congress for the control, prevention, suppression

and extirpation of contagious, infectious and communicable diseases affecting domestic animals or cattle and in connection therewith may:

(a) Appoint inspectors of the United States department of agriculture as temporary assistant state veterinarians or livestock inspectors; provided, they shall first consent to act without compensation or profit from the state;

(b) Accept aid or assistance from the United States in conducting the work of tuberculosis, brucellosis and hog cholera eradication or control, or from any of its officers, representatives or agents, in carrying out such work.

(2) The officials of the United States department of agriculture in tuberculosis, brucellosis and hog cholera eradication or control work and the owners of domestic animals or cattle, who accept indemnity for animals found to be diseased and slaughtered in accordance with the special acts of congress now in effect and appropriating funds for this purpose, or that may hereafter be available from such source.

(3) The United States department of agriculture in carrying out the provisions of the national poultry improvement plan and the national turkey improvement plan in Florida, and in connection therewith, may promulgate rules and regulations necessary to carry out the provisions of the national poultry improvement plan and the national turkey improvement plan in Florida.

585.15 Dangerous transmissible diseases.—The following named diseases and any other contagious, infectious, or communicable diseases now or hereafter proclaimed by either the commissioner or the technical committee under its emergency

powers to be of a dangerous transmissible nature, shall be known as dangerous transmissible diseases: Glanders, anthrax, blackleg, contagious pleuropneumonia, rinderpest or cattle plague, hemorrhagic septicemia, foot and mouth disease or apthous fever, southern cattle fever or Texas fever, sheep or cattle scabies, hog cholera, swine plague, swine erysipelas, fowl plague or fowl pest, rabies, dourine, tuberculosis, brucellosis, vesicular exanthema, atrophic rhinitis, sheep scrapie, equine piroplasmosis, laryngotracheitis, infectious bronchitis, newcastle disease, cochliomyiasis (screwworm infestation), or domestic animals or cattle infested with or infected by the cattle fever tick or ticks.

585.35 Power of department to enter private premises for purpose of inspection, etc.—For the purpose of carrying out the provisions and requirements of this chapter, and all rules and regulations made pursuant thereto, the department, and all its employees duly authorized, are empowered to enter upon any grounds or premises in this state for the purpose of inspection, quarantine or disinfection, or to carry out any other provisions of this chapter.

CHAPTER 7C-6, FLORIDA ADMINISTRATIVE CODE

RULES OF FLORIDA DEPARTMENT OF AGRICULTURE

7C-6.02 Plan A; test and slaughter, calf vaccination optional, indemnity.—

(1) This plan is designed for eradication of brucellosis by the test and slaughter method and the practice of a sound herd management and sanitation program. It is strongly recommended that calf vaccination be a part of the herd management

program. All cattle in the herd with the exception of steers, calves under 6 months of age and official brucellosis vaccinates under 20 months of age for dairy breeds and 24 months of age for beef breeds must be tested as deemed necessary by the cooperating agencies. All reactors to each test shall be immediately tagged, branded, appraised and consigned for immediate slaughter. Immediately following the removal of reactors for slaughter, premises will be cleaned and disinfected with an approved disinfectant. Herds in which infection is disclosed shall be quarantined until all eligible animals in the herd have passed one negative test not less than 30 days from the date of the last test in which infection was disclosed. When only suspects are disclosed, such animals shall be isolated and retested at 30-60 day intervals until their status is determined. After the herd has reached a negative status, it shall be blood tested annually unless the herd is being satisfactorily screened by the brucellosis ring test or the market cattle testing program.

(2) Cattle owners who elect plan A are required to:

(a) Present the entire herd for initial test and permanent identification.

(b) Present all calves as they reach 3 through 8 months of age for vaccination and permanent identification when calf vaccination is elected.

(c) Practice sound herd management and sanitation.

(d) Isolate reactors as soon as tagged and branded by veterinarian and remove from premises under authority of official permit for slaughter only and within 15 days of date of tagging and branding in order to be eligible for indemnity.

(e) Clean and disinfect premises following removal of reactors.

(f) Keep supervising veterinarian informed as to status of all herd additions.

(3) Make herd additions only as follows:

(a) Cattle from certified brucellosis free herds without test provided they were a part of the herd at the time of the last certifying test.

(b) Cattle from non-quarantined herds negative to test within 30 days of movement, isolated on premises 60 days, then negative to retest.

(c) Official calf vaccinates under 20 months of age for dairy breeds and 24 months of age for beef breeds without test; other official vaccinates must be negative.

(4) A herd may advance to a certified brucellosis free status when it has passed the required number of consecutive negative tests and upon proper application for such status by the owner.